

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- March 23, 1966

Appeal No. 8646 Benjamin Liss et al, appellants

The Zoning Administrator of the District of Columbia, appellee

On motion duly made, seconded and carried with Mr. Arthur B. Hatton not voting, the following Order was entered by the Board at the meeting of March 30, 1966.

EFFECTIVE DATE OF ORDER: July 6, 1966

ORDERED:

That the appeal for a variance from the F.A.R. requirements of the R-5-A District to permit the erection of apartment buildings with a F.A.R. not to exceed .95 at Stanton Road and Jasper Place, S.E., parcel 227/6 near Square 5876, be granted.

From the record and the evidence adduced at the public hearing, the Board finds the following facts:

- (1) Appellants' property is located in an R-5-A District.
- (2) Appellants proposes to construct 40 apartment units on the subject site.
- (3) Appellant states that 2769.14 square feet of the site was ceded to the District of Columbia to provide for the widening of Jasper Place and for a bicycle path required by the National Park Service. This land was dedicated to the District under a "Dedication of Land", which is recorded in the Office of the Surveyor for the District of Columbia in Book 150, page 5.
- (4) Appellants request an F.A.R. of .95 instead of .9, which is prescribed by the Zoning Regulations. The increased F.A.R. will not result in an excessive lot occupancy.
- (5) Appellants total lot area is 43,152 square feet. Using a .9 F.A.R. the area to be used would be 38,836 square feet. Appellants proposed structure has 41,311 square feet, thus creating an average of 2,475 square feet.
- (6) The ceding of land to the District reduced appellant's lot area from 45,820 square feet to 43,152 square feet.
- (7) No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

We are of the opinion that the appellants have proved a case of hardship within the meaning of the Zoning Regulations. The ceding of land to the District of Columbia and to the Federal Government, at the requirement of those governments, decreased appellant's lot area to such an extent as to cause a hardship entitling the owner a variance. The granting of this variance will not cause an increase in the lot occupancy, which is within the amount permitted by the Regulations.

Further, the granting of this variance will not result in detriment to the public good. The requested relief may be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- March 23, 1966

Appeal No. 8646 Benjamin Liss et al, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following amendment was entered by the Board at its meeting on August 10, 1966.

EFFECTIVE DATE OF ORDER -- August 12, 1966

ORDERED:

That the appeal for a variance from the FAR requirements of the R-5-A District to permit the erection of apartment buildings with a FAR not to exceed .95 at Stanton Road and Jasper Place, SE., parcel 227/6, near square 5876, be granted and the Order effective July 6, 1966, amended as follows.

The Board finds that the drawings presented are for a building with a .958 FAR, therefore the Board amends the appeal and Order to conform with the plans submitted by Edmund W. Dreyfuss & Associates, architects, and dated March 23, 1965.